

**REMARKS/ARGUMENTS**

In the pending non-final Office Action mailed October 18, 2006, the Examiner rejected claims 1, 2, 4-10, 12, 13, and 15-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,184 to Criss and rejected claims 3, 11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over the Criss patent in view of Official Notice of overwriting application files for update. The independent claims (claims 1, 7, and 12) have been amended. New claims 18 (independent) and 19 have been added for additional scope of protection. No new matter has been added. Further examination and reconsideration of the application, as amended, are requested.

The Examiner asserted that Criss anticipates the independent claims. Criss, however, operates in an opposite manner to that of the claimed invention. Criss relates to wireless software upgrades in which a host computer queries a mobile device for the version of installed operating software, to which the mobile device responds with version information. See Criss at column 2, lines 52-63. That is, the Criss host-mobile pairing performs a host query-mobile response exchange specifically for purposes of update. In contrast, the claimed invention provides a context-sensitive update package that is identified as a result of the mobile device sending a communication request that identifies installed applications to which the mobile device is subscribed. From the subscription information, a context-sensitive update package is provided to the mobile device.

Thus, whereas Criss involves an explicit update message exchange that is initiated from a host computer to query a mobile device, the claimed invention operates in an opposite fashion, and relates to communication requests initiated by the mobile client device that include information about installed applications to which the device is subscribed. That is, in accordance with the claimed invention, no explicit update message is solicited from the mobile device; rather, the communication request from the mobile client device includes subscription information from which a context-sensitive update is provided. As noted in the specification, a context-sensitive update involves providing only update data that is needed to complete the job function of the user (page 45, lines 13-14). The context sensitive update is described generally in

connection with Figure 9 and Section VII of the specification, at page 40, line 25 through page 47, line 24.

Criss operates such that update communications are carried out as a result of a message initiated by a host computer. Criss says nothing about subscribing to installed applications and receiving a context-sensitive update package for the subscribed applications.

All of the independent claims have been amended and recite the context-sensitive update features described above. Taking claim 1 as an example, a method in accordance with the invention includes:

receiving a communication request from the mobile client device to establish communications with a server of the mobile data system, wherein the communication request includes data that identifies one or more applications installed at the mobile client device and to which the mobile client device is subscribed;

determining if a context-sensitive update package is available for the identified application subscribed at the client device; and

downloading the update package to the mobile client device and updating the identified application at the mobile client device.

Thus, claim 1 is not anticipated by Criss. Claims 7 and 12 contain similar limitations as claim 1 recited above and it is asserted that these claims also are not anticipated by Criss. It is submitted that claims 1, 2, 4-10, 12, 13, and 15-17 are not anticipated by Criss. New claim 18 includes similar limitations and is supported by the specification at pages 40 through 47. New claim 19 depends from claim 18.

In rejecting claims 3, 11, and 14, the Examiner took official notice of overwriting for updates. Such a feature, however, does not make up for the deficiencies of Criss. The overwrite feature, combined with Criss, still would not provide the invention as claimed. Therefore, it is submitted that claims 3, 11, and 14 are not rendered obvious and are in condition for allowance.

Appl. No. 10/820,567  
Amdt. dated April 18, 2007  
Reply to Office Action of October 18, 2006

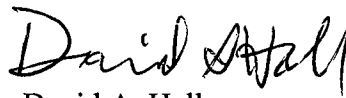
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims 1-19 now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Hall". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "Hall".

David A. Hall  
Reg. No. 32,233

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 858-350-6100  
Fax: 415-576-0300  
Attachments  
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